REMARKS

Claims 1-39 are all the claims pending in the application. The Examiner maintains the rejections of these claims for the same reasons set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action on pages 2-4. Specifically, claims 1-39 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sen et al. (U.S. Patent No. 6,765,909) in view of Gage et al. (U.S. Patent No. 6,515,972).

With respect to independent claim 1, Applicants previously argued that neither Sen nor Gage, either alone or in combination, teaches or suggests at least, "adding header information by referring to the established catalog," as recited in independent claim 1. *See page 12 of the previous Amendment.* In response, the Examiner alleges:

> The applicant argues that the prior arts of record Sen et al. or Gage do not teach or suggest adding header information by referring to the established catalog. However, this argument is moot. This is so because the cited prior art (Sen et al.) clearly teach a classification application utilizing a table (catalog) of connection numbers and association TCP/IP applications utilized for determining a wireless packet communication, quality of service level by decoding connection number field of the packet header (see abstract). Therefore, the application of the prior art in relation to the claimed invention is appropriate.

In response, Applicants point out that the Examiner essentially repeats the same arguments set forth previously. Further, Applicant submits that the table of connection numbers mentioned in the Abstract of Sen is only used for determining a wireless packet communication of an incoming packet, however said table of connection numbers, which allegedly corresponds to the claimed "established catalog," does NOT relate to adding header information by referring to the established catalog. Nowhere does Sen even mention this particular feature of adding information by referring to an established catalog. Therefore, at least based on the foregoing, Applicants maintain that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicants maintain that independent claims 4, 5, and 39 are patentable at least for reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 2, 3, and 6-38 are patentable at least by virtue of their respective dependencies from independent claims 1, 4 and 5.

Further, with respect to claim 2, Applicants previously argued, contrary to the Examiner's assertions, that Sen does not teach or suggest that header information of each layer is added to the application data. In response, the Examiner alleges:

> As for the argument that no header information of each layer is added to the application data, the examiner disagrees and asserts that header information of each layer must be added to the application data and inherently requires since a header information is the part of a message that describes the originator, the address and other recipients, message priority levels or precedes the data or control signals and describes about the transmission unit, such as its length and whether there are other files or transmission units logically or physically associated with this one. In light of the responses above, the examiner believes that the prior art were properly applied.

In response, Applicant submits that even if, *arguendo*, the header information is the part of a message that describes the originator, the address and other recipients, etc., it does not necessarily follow that header information of each layer would be added. The type of information included in a header is dependent on what a data packet is being used for, and neither of the applied references (specifically Sen) disclose or suggest that header information of each layer is added to the application data. The Examiner utilizes impermissible hindsight reasoning in coming to the conclusion that the feature of claim 2 is inherent.

Further, with respect to dependent claims 6-9, contrary to the Examiner's assertions, Applicants previously argued that nowhere does Gage teach or suggest at least adding error detecting codes in a physical layer. In response, the Examiner alleges:

> As for the argument that Gage et al. do not teach that adding error detecting codes in a physical layer. However, Gage et al. teach

> that an RLP type based on the generic service(s) available to mobile station, as for example voice services, packet data services, and/or circuit switched data services and the voice service may use an RLP providing error detection and forward error correction, the packet data service may use an RLP providing error detection and retransmissions, while the circuit switched data service may use an RLP providing transparent bit service (see col. 3, lines 33-67)."

In response to the Examiner's argument, Applicants point out that the Examiner continues to quote and cite alleged teachings in Gage that relate to the RLP layer, however claims 6-9 describe adding error detecting codes in a physical layer. The RLP layer and physical layer are different layers (see Figure 1 of present application that shows different protocol layers), therefore, even if, *arguendo*, the above quoted allegations of the Examiner are accurate, the applied references (specifically Gage) do not disclose or suggest that error detecting codes are added in a physical layer.

Yet further, with respect to dependent claims 6-9, the Examiner alleges:

> Further, the on page 2, lines 5-8 of the applicant's related art, the applicant teaches that the cdma telecommunication system checks for errors (error detection) or CRC in the physical layer (see page 2, lines 5-8). Therefore, the applicant's argument although acknowledged, has not been found to be convincing.

First, Applicants note that the Examiner is relying on a portion of the present specification ("Description of the Related Art") to support his argument, however the Examiner has not indicated that this portion of the specification is being applied as prior art. If the Examiner continues to rely on the cited portion of the specification, Applicants respectfully request that the Examiner indicate this much in a new NON-final Office Action.[1]

[1] Even if the Examiner applies the admitted related art to support his rejections, Applicant submits that claims 6-9 describe adding error detection codes (at a transmitting device), while the cited portion in the related art only discusses checking for errors at a receiving device. Nowhere does the admitted related art discuss adding error detection codes in a physical layer.

Further, with respect to dependent claims 10-15, Applicants previously argued that nowhere does Sen, Gage, or the combination thereof, teach or suggest at least, "wherein the catalog is established during a previous transmission/reception of application data," as recited in claims 10-15. In response, the Examiner alleges:

> The applicant further argues that the prior arts (Sen or Gage) do not teach the catalog is established during a previous transmission/reception of application data. However, Sen et al. in claim 1 clearly teaches that providing a table (catalog) comprising a first set of data and second set of data, said first set of data containing a plurality of identified connection numbers, and said second set of data containing a corresponding quality of service plane for each identified connection number in the table, wherein each of said plurality of identified connection numbers is an identifier of a particular data packet connection; and mapping within said table said connection number for said data packet to a corresponding quality of service plane. The argument is again acknowledged but is not convincing.

In response, Applicant submits that there is clearly no mention of establishing a catalog during a previous transmission/reception of application data. Claim 1 of Sen only relates to a method for classifying data in a data packet, and the operations thereof which include only providing a table having a first set of data containing a plurality of identified connection numbers that correspond to a particular quality of service, for the purpose of mapping a connection number for a data packet to a corresponding quality of service. However, nowhere does claim 1 relate to establishing, or effectuating, a catalog during a previous transmission/reception of application data. Therefore, at least based on the foregoing, Applicants maintain that dependent claims 10-15 are patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that dependent claims 16-19 are patentable at least for reasons similar to those set forth above with respect to claims 10-15.

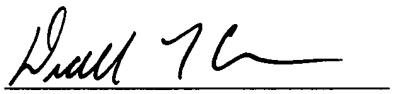
Further, with respect to dependent claims 33-35, Applicants previously argued that the features set forth in these claims are not taught or suggested in the applied references and the

Examiner did not even mention the specific features of these claims in the previous Office Action. In the present Office Action, the Examiner still does not address these claims, therefore Applicants maintain that claims 33-35 are patentably distinguishable over the applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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